IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

Crl.Rev.Pet.No. 750 of 1999()

CRA.65/1997 of ADDL.SESSIONS COURT, THALASSERY
CC.486/1993 of JUDL.MAGISTRATE OF FIRST CLASS COURT, PAYYANNUR .
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REVN. PETITIONER: APPELLANT/ ACCUSED

SUKUMARAN, S/O.KORAN,
VELLUR POST, PAYYANNUR,
KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN

RESPONDENT: RESPONDENT/ COMPLAINANT

STATE OF KERALA,
(CRIME NO.41/92 OF PAYYANNUR
POLICE STATION) REP.BY THE
PUBLIC PROSECUTOR HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. NO.750/1999

ORDER ON CRL.M,P. 3346/1999 IN CRL.RP. 750/1999

DISMISSED

03.08.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

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K.R.UDAYABHANU, J

Crl.R.P.No.750 of 1999

Dated this the 3rd day of August, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279 and 338 IPC and sentenced to undergo simple imprisonment for three months each for the above offences.

2. The prosecution case is that on 6.1.1992 at about 3.00 p.m., the accused drove his tempo van bearing registration No.KL-13/3085 in a rash and negligent manner so as to endanger human life through Payyannur bazar from Perumba towards the bus stand and the vehicle ran over the foot of PW1 who was walking along the side of the road resulting grievous hurt to PW1.

3. The evidence adduced in the matter consisted of the testimony of PWs' 1 to 7 and Exts. P1 to P5.

4. PW1 the injured who is the defacto complainant has testified with respect to the incident. According to PW1, the vehicle over took a bus and moved ahead towards the extreme end of the road in the result of which the vehicle happened to run

over his right leg. PW3, the doctor, has proved Ext. P2 wound certificate which would show that he has sustained fracture of the medial malleolus of the right leg and underwent skin grafting etc. In the light of the above evidence and in view of the concurrent findings of the court below no interference is called for. The conviction is confirmed.

5. Counsel for the revision petitioner has pleaded for modification of the sentence pointing out that the incident has taken place in January 1992 and that more than 15 years have elapsed since the commencement of the proceedings and that the accused has been facing the ordeal of the criminal proceedings so far. The sentence imposed for the offence under Section 338 IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.10,000/- to PW1 and in default, to undergo simple imprisonment for three months. No separate sentence is awarded for the offence under Section 279 IPC. The revision petitioner is granted two months' time to remit the amount of compensation. He shall appear before the Judicial First Class

Magistrate Court, Payyanur on 10.10.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl